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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,961	01/26/2006	Neil B. McKeown	39-324	8444
23117 7590 06/24/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER MENON, KRISHNAN S				
ART UNIT 1797		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

Applicant's after-final amendment will be entered because it simplifies the issue on appeal – claim 89 now is independent and allowable.

Upon entry of the after-final amendment, the claims will be rejected as set forth in the final action of 3/19/09.

Arguments are not persuasive without further evidence that what applicant meant by “non-network polymer” as polymer that are only straight-chain or branched chain polymers having absolutely no cross-links at all. By applicant's definition of non-network polymer, only the three-dimensional structures of the WO reference with multiplicity of porphyrin or similar linkages are excluded. (Disclosure at page 5). Therefore, this more stringent definition of the non-network polymer will have to be considered as new matter.

The recitation of claim 59 at the last two lines state that the monomer units are predominately bonded to two other such repeat units. *Predominately* means predominantly, or ‘for the most part’. Thus the claim is open to possibilities of link to other different monomers *for a lesser part*. Thus the claims are open to at least some degree of network structure. The McKeown reference teaches, or at least suggests, other possibilities than the rigid porphyrinic or similar networks. Even if not, it would be obvious to one of ordinary skill to arrive at applicant's claimed invention from the teaching of McKeown.

There is no confusion on the examiner's part. Applicant's choice of words in the claim makes it much broader than the argument portrays; and there does not appear to be support for such narrow interpretation either.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krishnan S. Menon whose telephone number is 571-272-1143. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vickie Kim can be reached on 571-272-0579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Krishnan S Menon/
Primary Examiner, Art Unit 1797